

Message

From: Berol, David [/O=EXCHANGELABS/OU=EXCHANGE ADMINISTRATIVE GROUP (FYDIBOHF23SPDLT)/CN=RECIPIENTS/CN=A227F36CA9EE4EEB98A95CB22058DE43-DBEROL]
Sent: 3/6/2017 6:56:42 PM
To: Fleisig, Erica [/o=ExchangeLabs/ou=Exchange Administrative Group (FYDIBOHF23SPDLT)/cn=Recipients/cn=57317ce4c3234afe86380beab9c70bd9-EFleisig]
CC: Crk, Tanja [/o=ExchangeLabs/ou=Exchange Administrative Group (FYDIBOHF23SPDLT)/cn=Recipients/cn=fccf9b9519484e8f88e90d3573253817-Tanja Crk]; Chung, Angela [/o=ExchangeLabs/ou=Exchange Administrative Group (FYDIBOHF23SPDLT)/cn=Recipients/cn=b3e49fcb1ad46f1bdbe92ebb4936350-Chung, Angela]; Szelag, Matthew [/o=ExchangeLabs/ou=Exchange Administrative Group (FYDIBOHF23SPDLT)/cn=Recipients/cn=f1e48230d96943f8acb72810e32ce8d6-Szelag, Matthew]; Guzzo, Lindsay [/o=ExchangeLabs/ou=Exchange Administrative Group (FYDIBOHF23SPDLT)/cn=Recipients/cn=8643d3d6703a4886b13c5548d22307a0-Guzzo, Lindsay]; Szalay, Endre [/o=ExchangeLabs/ou=Exchange Administrative Group (FYDIBOHF23SPDLT)/cn=Recipients/cn=10b5b40221b744bb86d436cb1918c48f-Szalay, Endre M.]; Steiner-Riley, Cara [/o=ExchangeLabs/ou=Exchange Administrative Group (FYDIBOHF23SPDLT)/cn=Recipients/cn=0bef7d04f2e64e4b8b90235a30cc7109-Steiner-Riley, Cara]; Fidis, Alexander [/o=ExchangeLabs/ou=Exchange Administrative Group (FYDIBOHF23SPDLT)/cn=Recipients/cn=e76bf6d0e88745d69528ddbf60346461-Fidis, Alexander]; Buffo, Corey [/o=ExchangeLabs/ou=Exchange Administrative Group (FYDIBOHF23SPDLT)/cn=Recipients/cn=d5112a95233948d18e8eff97d1d9c7f0-Buffo, Corey]; Ford, Peter [/o=ExchangeLabs/ou=Exchange Administrative Group (FYDIBOHF23SPDLT)/cn=Recipients/cn=2c6fc53724d844fcaaa1a36982c3df4d-PFORD]; Schroer, Lee [/o=ExchangeLabs/ou=Exchange Administrative Group (FYDIBOHF23SPDLT)/cn=Recipients/cn=573fc5bb4942495d9fc3cd9438634244-LSCHROER]
Subject: Re: WA Toxic Criteria and AWB Petitions

Thanks, Erica.

Attorney Client / Deliberative Process / Attorney Work Product Ex. 5

-- David Berol
U.S. EPA Office of General Counsel
202-564-6873

ED_003056_00039932-00001

On Mar 5, 2017, at 11:44 PM, Fleisig, Erica <Fleisig.Erica@epa.gov> wrote:

David, to your last point, Matt has been digging up some old spreadsheets we had developed to compare WA's criteria to our current 304a, and to values in OR and ID where we had received corresponding jeopardy opinions.]

Attorney Client / Deliberative Process / Ex. 5

Attorney Client / Deliberative Process / Ex. 5

-Erica

From: Berol, David

Sent: Friday, March 03, 2017 3:35 PM

To: Crk, Tanja <Crk.Tanja@epa.gov>; Chung, Angela <Chung.Angela@epa.gov>; Szelag, Matthew <Szelag.Matthew@epa.gov>; Guzzo, Lindsay <Guzzo.Lindsay@epa.gov>; Szalay, Endre <Szalay.Endre@epa.gov>; Steiner-Riley, Cara <Steiner-Riley.Cara@epa.gov>; Fleisig, Erica <Fleisig.Erica@epa.gov>; Fidis, Alexander <Fidis.Alexander@epa.gov>; Buffo, Corey <Buffo.Corey@epa.gov>; Ford, Peter <Ford.Peter@epa.gov>

Cc: Schroer, Lee <schroer.lee@epa.gov>

Subject: RE: WA Toxic Criteria and AWB Petitions

Attorney-Client Privileged; Deliberative

All –

In preparation for next week meetings, here's a summary of a discussion that Alex and I had yesterday with DOJ about the unreasonable delay case, and also a short summary of the primary issues I see in the NWEA petition (just focusing on Washington's aquatic life criteria).

Attorney Client / Deliberative Process / Attorney Work Product Ex. 5

Attorney Client / Deliberative Process / Attorney Work Product Ex. 5

David Berol

U.S. EPA Office of General Counsel
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-----Original Appointment-----

From: Crk, Tanja

Sent: Thursday, February 23, 2017 9:59 AM

To: Crk, Tanja; Chung, Angela; Szelag, Matthew; Guzzo, Lindsay; Szalay, Endre; Steiner-Riley, Cara; Fleisig, Erica; Fidis, Alexander; Buffo, Corey; Berol, David; Ford, Peter

Cc: Schroer, Lee

Subject: WA Toxic Criteria and AWB Petitions

When: Tuesday, March 07, 2017 1:00 PM-2:00 PM (UTC-05:00) Eastern Time (US & Canada).

Where: HQ-Room-WJCW-6124-50pp

Dial in: (b) (6)

Note that this is an EPA (internal) meeting for staff and BCs to discuss two petitions: 1) the complaint by NWEA regarding EPA's response (or failure to respond) to the NWEA petition to update the WQC for toxics in WA and includes a no action reference on arsenic, dioxin, and thallium; and 2) the AWB petition to withdraw the federal rule in WA.

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Agenda

1. <!--[if !supportLists]--><!--[endif]-->Discuss the WA petition from NWEA

NWEA petition response.pdf

Response to NWEA May 2016. Is there an email record of sending this petition response to Nina?



2. <!--[if !supportLists]--><!--[endif]-->Discuss the AWB petition

